

REFERENCE TITLE: legislative vacancies; precincts; election

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2759

Introduced by
Representatives Miranda B: Alvarez, Garcia M

AN ACT

AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO LEGISLATIVE VACANCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1202, Arizona Revised Statutes, is amended to
3 read:

4 41-1202. Vacancy in legislature: precinct committeemen:
5 definition

6 A. If a vacancy occurs in the legislature and the vacant seat was
7 represented by a political party that is organized pursuant to title 16,
8 chapter 5, article 2 ~~and that has at least thirty elected committeemen who~~
~~are from precincts that are in the legislative district and that are in the~~
~~county in which the vacancy occurred AND THE PERSON WHO HELD THE OFFICE~~
10 ~~IMMEDIATELY BEFORE THE VACANCY IS A RESIDENT OF A COUNTY WITH A POPULATION OF~~
11 ~~TWO HUNDRED FIFTY THOUSAND PERSONS OR MORE,~~ the following apply:

12 1. The secretary of state shall notify the state party chairman of the
13 appropriate political party of the vacancy. Within three business days after
14 notification of the vacancy by the secretary of state, the state party
15 chairman of the appropriate political party or the chairman's designee shall
16 give written notice of the meeting to fill the vacancy to all elected
17 precinct committeemen of the appropriate political party from precincts that
18 are in the legislative district ~~and that are in the county~~ in which the
19 vacancy occurred.

20 2. Those elected precinct committeemen shall ~~nominate~~ ELECT, within
21 twenty-one days after notification of the vacancy by the secretary of state
22 if the legislature is not in regular session or within five days if the
23 legislature is in regular session and by a majority vote, ~~three~~ A qualified
24 ~~electors~~ ELECTOR to fill the vacancy who ~~meet~~ MEETS the requirements for
25 service in the legislature and who ~~belong~~ BELONGS to the same political party
26 and ~~reside~~ RESIDES at the time of ~~nomination~~ ELECTION in the same district
27 ~~and county~~ as the person elected to or appointed to the office immediately
28 before the vacancy.

29 3. The meeting to fill the vacancy is subject to title 38, chapter 3,
30 article 3.1, and the state party chairman of the appropriate political party
31 shall oversee the ~~nominations~~ ELECTION. Fifty per cent or more of the
32 elected precinct committeemen of the district who are in the legislative
33 district ~~and from the county~~ in which the vacancy occurred, ~~or their proxies~~,
34 meeting together constitutes a quorum for the purposes of this
35 subsection. ~~A precinct committeeman may choose to permit the use of a proxy~~
36 ~~that~~:

37 (a) ~~Is given by the precinct committeeman to another elected precinct~~
38 ~~committeeman for the legislative district in which the vacancy occurred for~~
39 ~~use at the meeting to fill the vacancy.~~

40 (b) ~~Only is valid for the length of the meeting for which it was~~
41 ~~given.~~

42 (c) ~~Is attested by a notary public or two witnesses.~~

1 4. ALL BALLOTS THAT ARE USED IN ELECTING A PERSON TO FILL A
2 LEGISLATIVE VACANCY PURSUANT TO THIS SUBSECTION SHALL BE SEALED AFTER
3 COUNTING AND PRESERVED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF
4 RESIDENCE OF THE VACATING LEGISLATOR FOR TWO YEARS AFTER THE LEGISLATOR WHO
5 IS FILLING THE VACANCY TAKES OFFICE.

6 4. 5. The state party chairman of the appropriate political party
7 shall forward the ~~names~~ NAME of the ~~three persons named~~ PERSON ELECTED
8 pursuant to paragraph 2 of this subsection to the ~~board of supervisors of the~~
~~county of residence of the person elected or appointed to the office~~
~~immediately before the vacancy occurred. The board of supervisors shall~~
10 ~~appoint~~ a SECRETARY OF STATE. THE SECRETARY OF STATE SHALL ISSUE TO THAT
11 person ~~from the three nominees submitted~~ A CERTIFICATE OF APPOINTMENT.

12 5. 6. If the elected precinct committeemen of the appropriate
13 political party fail to fill the vacancy within twenty-one days if the
14 legislature is not in regular session or within five days if the legislature
15 is in regular session, as provided in **THIS** subsection **A**, the state party
16 chairman shall notify the board of supervisors of the appropriate county and
17 the board of supervisors shall fill the vacancy as provided in subsection **B**
18 **C**. The time frame for appointing a citizens panel shall run from receipt of
19 notification from the state party chairman.

20 B. IF A VACANCY OCCURS IN THE LEGISLATURE AND THE VACANT SEAT WAS
21 REPRESENTED BY A POLITICAL PARTY THAT IS ORGANIZED PURSUANT TO TITLE 16,
22 CHAPTER 5, ARTICLE 2 AND THAT HAS AT LEAST THIRTY ELECTED COMMITTEEMEN WHO
23 ARE FROM PRECINCTS THAT ARE IN THE LEGISLATIVE DISTRICT AND THAT ARE IN THE
24 COUNTY IN WHICH THE VACANCY OCCURRED AND THE PERSON WHO HELD THE OFFICE
25 IMMEDIATELY BEFORE THE VACANCY IS A RESIDENT OF A COUNTY WITH A POPULATION OF
26 LESS THAN TWO HUNDRED FIFTY THOUSAND PERSONS, THE FOLLOWING APPLY:

27 1. THE SECRETARY OF STATE SHALL NOTIFY THE STATE PARTY CHAIRMAN OF THE
28 APPROPRIATE POLITICAL PARTY OF THE VACANCY. WITHIN THREE BUSINESS DAYS AFTER
29 NOTIFICATION OF THE VACANCY BY THE SECRETARY OF STATE, THE STATE PARTY
30 CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY OR THE CHAIRMAN'S DESIGNEE SHALL
31 GIVE WRITTEN NOTICE OF THE MEETING TO FILL THE VACANCY TO ALL ELECTED
32 PRECINCT COMMITTEEMEN OF THE APPROPRIATE POLITICAL PARTY FROM PRECINCTS THAT
33 ARE IN THE LEGISLATIVE DISTRICT AND THAT ARE IN THE COUNTY IN WHICH THE
34 VACANCY OCCURRED.

35 2. THOSE ELECTED PRECINCT COMMITTEEMEN SHALL NOMINATE, WITHIN
36 TWENTY-ONE DAYS AFTER NOTIFICATION OF THE VACANCY BY THE SECRETARY OF STATE
37 IF THE LEGISLATURE IS NOT IN REGULAR SESSION OR WITHIN FIVE DAYS IF THE
38 LEGISLATURE IS IN REGULAR SESSION AND BY A MAJORITY VOTE, THREE QUALIFIED
39 ELECTORS TO FILL THE VACANCY WHO MEET THE REQUIREMENTS FOR SERVICE IN THE
40 LEGISLATURE AND WHO BELONG TO THE SAME POLITICAL PARTY AND RESIDE AT THE TIME
41 OF NOMINATION IN THE SAME DISTRICT AND COUNTY AS THE PERSON ELECTED TO OR
42 APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE VACANCY.

43 3. THE MEETING TO FILL THE VACANCY IS SUBJECT TO TITLE 38, CHAPTER 3,
44 ARTICLE 3.1, AND THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY

1 SHALL OVERSEE THE NOMINATIONS. FIFTY PER CENT OR MORE OF THE ELECTED
2 PRECINCT COMMITTEEMEN OF THE DISTRICT WHO ARE IN THE LEGISLATIVE DISTRICT AND
3 FROM THE COUNTY IN WHICH THE VACANCY OCCURRED MEETING TOGETHER CONSTITUTES A
4 QUORUM FOR THE PURPOSES OF THIS SUBSECTION.

5 4. THE STATE PARTY CHAIRMAN OF THE APPROPRIATE POLITICAL PARTY SHALL
6 FORWARD THE NAMES OF THE THREE PERSONS NAMED PURSUANT TO PARAGRAPH 2 OF THIS
7 SUBSECTION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF RESIDENCE OF THE
8 PERSON ELECTED OR APPOINTED TO THE OFFICE IMMEDIATELY BEFORE THE VACANCY
9 OCCURRED. THE BOARD OF SUPERVISORS SHALL APPOINT A PERSON FROM THE THREE
10 NOMINEES SUBMITTED.

11 5. IF THE ELECTED PRECINCT COMMITTEEMEN OF THE APPROPRIATE POLITICAL
12 PARTY FAIL TO FILL THE VACANCY WITHIN TWENTY-ONE DAYS IF THE LEGISLATURE IS
13 NOT IN REGULAR SESSION OR WITHIN FIVE DAYS IF THE LEGISLATURE IS IN REGULAR
14 SESSION, AS PROVIDED IN THIS SUBSECTION, THE STATE PARTY CHAIRMAN SHALL
15 NOTIFY THE BOARD OF SUPERVISORS OF THE APPROPRIATE COUNTY AND THE BOARD OF
16 SUPERVISORS SHALL FILL THE VACANCY AS PROVIDED IN SUBSECTION C. THE TIME
17 FRAME FOR APPOINTING A CITIZENS PANEL SHALL RUN FROM RECEIPT OF NOTIFICATION
18 FROM THE STATE PARTY CHAIRMAN.

19 **B.** C. If the vacant legislative seat was represented by a political
20 party that is organized pursuant to title 16, chapter 5, article 2 and that
21 has fewer than thirty elected committeemen who are from precincts that are in
22 the legislative district and that are in the county in which the vacancy
23 occurred or if the vacant legislative seat is not represented by a political
24 party that is organized pursuant to title 16, chapter 5, article 2, the
25 following apply:

26 1. The board of supervisors of the county of residence of the person
27 elected to or appointed to the office immediately before the vacancy shall
28 appoint within three business days after a vacancy occurs a citizens panel to
29 submit to the board within seven business days the names of three qualified
30 electors who are members of the appropriate political party and who are
31 residents of the legislative district and county in which the vacancy
32 occurred to fill the vacancy. If the person elected to or appointed to the
33 office immediately before the vacancy was a registered independent, the
34 qualified electors shall be registered as independent.

35 2. Within five business days after receiving the list of names
36 submitted by the panel and by a majority vote of all of the supervisors
37 sitting as a board, the board of supervisors shall appoint one person from
38 the list of names submitted by the panel to fill the vacancy.

39 **C.** D. For the purposes of this section, "appropriate political party"
40 means the same political party of which the person who was elected to or
41 appointed to the office was a member immediately before the vacancy occurred.